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*Attorneys for the Debtor*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: ) Case No.: 22-14422-NMC  
MUSCLEPHARM CORPORATION, )  
Debtor. ) Chapter 11  
                                )  
                                )  
                                )  
                                )  
                                ) Hearing Date: June 15, 2023  
                                ) Hearing Time: 10:30 a.m. (PT)  
                                )

**PROPOSED AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON JUNE 15, 2023, AT 10:30 A.M. (PT)**

MusclePharm Corporation, the debtor and debtor-in-possession in the above-referenced Chapter 11 case (the “**Debtor**”), hereby files this proposed agenda of the matters scheduled for hearing on June 15, 2023, at 10:30 a.m. (PT) in the main case.

**Zoom Hearing:** The hearing will be held remotely via Zoom. Any parties wishing to participate in the hearing may go to <https://www.zoomgov.com> and then join the hearing by entering Meeting ID: **161 644 3366** and Passcode: **668004**. For Court hearing information, please see the Court's website at: <https://www.nvb.uscourts.gov/calendars/court-calendars/>.

## Matters Going Forward

1. **Emergency Motion to Enforce Intercreditor and Subordination Agreement Under Section 510(a) of the Bankruptcy Code** [ECF No. 506], filed Empery Tax Efficient, LP on May 15, 2023

Objection Deadline: June 1, 2023

1           Reply Deadline: June 8, 2023  
2

3           Related Documents:

- 4
- 5           1. Declaration of Teresa M. Pilatowicz in Support of Emergency Motion to Enforce  
6           Intercreditor and Subordination Agreement Under Section 510(a) of the  
7           Bankruptcy Code [ECF No. 507], filed on May 15, 2023  
8
- 9           2. Declaration of Ryan Lane in Support of Emergency Motion to Enforce  
10          Intercreditor and Subordination Agreement Under Section 510(a) of the  
11          Bankruptcy Code [ECF No. 508], filed on May 15, 2023  
12
- 13          3. Order Regarding (I) Ex Parte Application for Order Shortening Time to Hear  
14          Emergency Motion to Enforce Intercreditor and Subordination Agreement Under  
15          Section 510(a) of the Bankruptcy Code [ECF No. 509] and (II) Motion for the  
16          Appointment of a Chapter 11 Trustee [ECF No. 447] and Setting Hearings [ECF  
17          No. 513], entered on May 16, 2023  
18
- 19          4. Debtor's Joinder to Emergency Motion to Enforce Intercreditor and Subordination  
20          Agreement Under Section 510(a) of the Bankruptcy Code Trustee [ECF No. 564],  
21          filed on May 31, 2023  
22
- 23          5. Ryan Drexler's Objection to Emergency Motion to Enforce Intercreditor and  
24          Subordination Agreement Under Section 510(a) of the Bankruptcy Code [ECF No.  
25          566], filed on June 1, 2023  
26
- 27          6. Empery Tax Efficient, LP's Reply to Objection to Emergency Motion to Enforce  
28          Intercreditor and Subordination Agreement Under Section 510(a) of the  
29          Bankruptcy Code [ECF No. 582], filed on June 8, 2023

30           Status: This matter will go forward as contested.

31          2. **Debtor's Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance  
32          of a Protective Order** [ECF No. 575], filed on June 6, 2023

33           Objection Deadline: June 12, 2023

34           Reply Deadline: June 14, 2023

35           Related Documents:

- 36
- 37          1. Declaration of Gabrielle A. Hamm in Support of Motion to Quash Subpoena to  
38          Verizon or, in the Alternative, for Issuance of a Protective Order [ECF No. 576],  
39          filed on June 6, 2023  
40
- 41          2. Declaration of Nicholas Rubin in Support of Motion to Quash Subpoena to  
42          Verizon or, in the Alternative, for Issuance of a Protective Order [ECF No. 577],  
43          filed on June 6, 2023  
44

3. Empery Tax Efficient, LP's Joinder to Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order and Supplemental Points and Authorities [ECF No. 584], filed on June 12, 2023
4. Declaration of Teresa M. Pilatowicz in Support of Joinder to Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order and Supplemental Points and Authorities [ECF No. 585], filed on June 12, 2023
5. Ryan Drexler's Objection to Debtor's Motion to Quash Subpoena to Verizon or, in the Alternative, for Issuance of a Protective Order [ECF No. 587], filed on June 12, 2023
6. Declaration of Michael P. Richman [ECF No. 588], filed on June 12, 2023

Status: This matter will go forward as contested.

3. **STATUS: Motion for the Appointment of a Chapter 11 Trustee** [ECF No. 447], filed by Ryan Drexler on April 28, 2023

Objection Deadline: N/A

Reply Deadline: N/A

Related Documents:

1. Declaration of Ryan Drexler in Support of Motion for the Appointment of a Chapter 11 Trustee [ECF No. 448], filed by Ryan Drexler on April 28, 2023
2. Ryan Drexler's Statement of Position [ECF No. 533], filed on May 23, 2023
3. Empery Tax Efficient, LP's Statement of Position Regarding Timing of Motion for the Appointment of a Chapter 11 Trustee [ECF No. 534], filed on May 23, 2023
4. Committee's Statement of Position Regarding Pending Trustee Motion and Discovery Related Thereto [ECF No. 538], filed on May 23, 2023
5. Debtor's Statement of Position [ECF No. 542], filed on May 23, 2023

Status: This matter will proceed as a status conference.

4. **STATUS: Debtor's Motion to Vacate Motion for Entry of Order: (1) Vacating Orders Granting Ex Parte Applications for Examination Pursuant to Bankruptcy Rule 2004, and (II) Establishing Procedures for Discovery** [ECF No. 462], filed on May 3, 2023

Objection Deadline: N/A<sup>1</sup>

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<sup>1</sup> The order shortening time for the hearing [ECF No. 468] provided that oppositions to the Motion

1           Reply Deadline: N/A

2           Related Documents:

- 3           1. Declaration of Gabrielle A. Hamm in Support of Motion for Entry of Order: (1)  
4           Vacating Orders Granting Ex Parte Applications for Examination Pursuant to  
5           Bankruptcy Rule 2004, and (II) Establishing Procedures for Discovery [ECF No.  
5           463], filed on May 3, 2023
- 6           2. Joint Status Report re Debtor's Motion for Entry of Order: (1) Vacating Orders  
7           Granting Ex Parte Applications for Examination Pursuant to Bankruptcy Rule  
8           2004, and (II) Establishing Procedures for Discovery [ECF No. 503], filed on May  
8           15, 2023

9           Status: This matter will proceed as a status conference.

- 10          5. **STATUS: Debtor's Motion (I) to Approve Bidding Procedures for the Sale of Assets  
11           Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy Code and Bankruptcy  
12           Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-Day Stay under Bankruptcy  
13           Rule 6004 [ECF No. 497], filed on May 12, 2023**

14           Objection Deadline: May 22, 2023<sup>2</sup>

15           Reply Deadline: May 23, 2023, at 4:00 p.m.

16           Related Documents:

- 17          1. Declaration of Nicholas Rubin in Support of Debtor's Motion (I) to Approve  
18           Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365  
19           of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for  
20           Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 498], filed on  
21           May 12, 2023
- 22          2. Ryan Drexler's Objection to Debtor's Motion (I) to Approve Bidding Procedures  
23           for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365 of the Bankruptcy  
24           Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for Waiver of the 14-  
25           Day Stay under Bankruptcy Rule 6004 [ECF No. 539], filed on May 23, 2023
- 26          3. Declaration of Michael P. Richman in Support of Ryan Drexler's Objection [ECF  
27           No. 540], filed on May 23, 2023
- 28          4. Empery Tax Efficient, LP's Notice of Withdrawal [ECF No. 543], filed on May  
29           23, 2023

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27           and replies may be made at the hearing on May 9, 2023.

28          <sup>2</sup> Counsel for the Debtor and Ryan Drexler agreed to extend Mr. Drexler's objection deadline to May  
29           23, 2023, and to extend the deadline to reply to any objection filed by Mr. Drexler to May 24, 2023.

- 1       5. Committee's Joinder in and Reply in Support of Debtor's Motion (I) to Approve  
2              Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365  
3              of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for  
4              Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 549], filed on  
5              May 24, 2023  
6  
6        6. Debtor's Omnibus Reply to the Objections to Motion to Approve Bidding  
7              Procedures and Motion to Approve Settlement and Plan Support Agreement [ECF  
8              No. 550], filed on May 24, 2023

7              Status: This matter will proceed as a status conference.

- 8        6. **STATUS: Debtor's Motion Pursuant to 11 U.S.C. 105 and 363 of the Bankruptcy  
9              Rule 9019 to Approve Settlement and Plan Support Agreement with: (I) the Official  
10             Committee of Unsecured Creditors; (II) Empery Tax Efficient, LP, in its Capacity as  
11             Collateral Agent and Administrative Agent for MP Collateral, LLC; and (III) White  
12             Winston Select Asset Funds, LLC [ECF No. 524], filed on May 19, 2023**

13              Objection Deadline: May 23, 2023

14              Reply Deadline: May 24, 2023

15              Related Documents:

- 16        1. Declaration of Nicholas Rubin in Support of Debtor's Motion Pursuant to 11  
17              U.S.C. 105 and 363 of the Bankruptcy Rule 9019 to Approve Settlement and Plan  
18              Support Agreement with: (I) the Official Committee of Unsecured Creditors; (II)  
19              Empery Tax Efficient, LP, in its Capacity as Collateral Agent and Administrative  
20              Agent for MP Collateral, LLC; and (III) White Winston Select Asset Funds, LLC  
21              [ECF No. 529], filed on May 19, 2023  
22  
22        2. Ryan Drexler's Objection to Debtor's Motion Pursuant to 11 U.S.C. 105 and 363  
23              of the Bankruptcy Rule 9019 to Approve Settlement and Plan Support Agreement  
24              with: (I) the Official Committee of Unsecured Creditors; (II) Empery Tax  
25              Efficient, LP, in its Capacity as Collateral Agent and Administrative Agent for MP  
26              Collateral, LLC; and (III) White Winston Select Asset Funds, LLC [ECF No. 541],  
27              filed on May 23, 2023  
28  
28        3. Empery Tax Efficient, LP's Notice of Withdrawal [ECF No. 543], filed on May  
29              23, 2023  
30  
30        4. Committee's Joinder in and Reply in Support of Debtor's Motion (I) to Approve  
31              Bidding Procedures for the Sale of Assets Pursuant to 11 U.S.C. 105, 363 and 365  
32              of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006 and (II) for  
33              Waiver of the 14-Day Stay under Bankruptcy Rule 6004 [ECF No. 548], filed on  
34              May 24, 2023

1           5. Debtor's Omnibus Reply to the Objections to Motion to Approve Bidding  
2           Procedures and Motion to Approve Settlement and Plan Support Agreement [ECF  
3           No. 550], filed on May 24, 2023

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5           Status: This matter will proceed as a status conference.

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7           Dated: June 14, 2023.

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9           SCHWARTZ LAW, PLLC

10           By: /s/ Gabrielle A. Hamm  
11           Samuel A. Schwartz, Esq.  
12           Gabrielle A. Hamm, Esq.  
13           601 East Bridger Avenue  
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16           *Attorneys for the Debtor*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of June, 2023, I caused service of a true and correct copy of the foregoing **PROPOSED AGENDA OF MATTERS SCHEDULED FOR HEARING ON JUNE 15, 2023, AT 10:30 A.M. (PT)** to be made electronically via the Court's CM/ECF system upon the following parties at the e-mail addresses listed below:

RYAN A. ANDERSEN on behalf of Interested Party ThermoLife International  
ryan@aandblaw.com; tatiana@aandblaw.com; melissa@aandblaw.com; ecf-  
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andersen.ryana.b117998@notify.bestcase.com

OGONNA M. BROWN on behalf of Creditors Prestige Capital Corporation and Prestige Capital Finance, LLC  
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rcreswell@lewisroca.com

CANDACE C CARLYON on behalf of Attorney CARLYON CICA CHTD and Interested Party  
Ryan Drexler  
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CHAPTER 11 - LV  
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DAWN M. CICA on behalf of Interested Party Ryan Drexler  
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JOHN D. FIERO on behalf of Creditor Committee OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
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NEDDA GHANDI on behalf of Interested Party JW NUTRITIONAL LLC  
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ALLYSON JOHNSON on behalf of Creditor Excelsior Nutrition, Inc.  
allyson@sylvesterpolednak.com; kellye@sylvesterpolednak.com

BART K. LARSEN on behalf of Creditor and Plaintiff White Winston Select Asset Funds, LLC  
BLARSEN@SHEA.LAW; 3542839420@filings.docketbird.com

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1 WILLIAM M. NOALL on behalf of Creditor EMPERY ASSET MANAGEMENT, LP,  
 2 Defendants ALTIUM GROWTH FUND, LP; BIGGER CAPITAL FUND, LP; CVI  
 3 INVESTMENT, INC.; DISTRICT 2 CAPITAL FUND, LP; EMPERY DEBT OPPORTUNITY  
 4 FUND, LP; EMPERY MASTER ONSHORE, LLC; EMPERY TAX EFFICIENT III;  
 5 INTRACOASTAL CAPITAL LLC; IONIC VENTURES, LLC; L1 CAPITAL GLOBAL  
 6 OPPORTUNITIES MAASTER FUND; ROTH CAPITAL PARTNERS, LLC; WALLEYE  
 7 OPPORTUNITY MASTER FUND LTD., and Interested Party and Defendant EMPERY TAX  
 8 EFFICIENT, LP  
 9 wnoall@gtg.legal; bknotices@gtg.legal

10 TRACY M. O'STEEN on behalf of Attorney CARLYON CICA CHTD and Interested Party Ryan  
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 13 ccarlyon@carlyoncica.com

14 TERESA M. PILATOWICZ on behalf of Interested Party and Plaintiff EMPERY TAX  
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17 JASON H. ROSELL on behalf of Creditor Committee OFFICIAL COMMITTEE OF  
 18 UNSECURED CREDITORS  
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20 JAMES PATRICK SHEA on behalf of Creditor White Winston Select Asset Funds, LLC  
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22 ROBERT T. STEWART on behalf of Creditor NutraBlend Foods  
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29 MARK M. WEISENMILLER on behalf of Interested Party EMPERY TAX EFFICIENT, LP  
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31 JOSEPH G. WENT on behalf of Interested Parties MHF Opco, LLC and Brian Slater  
 32 jgwent@hollandhart.com; blschroeder@hollandhart.com; IntakeTeam@hollandhart.com

33 MATTHEW C. ZIRZOW on behalf of Attorneys JASON H. ROSELL and JOHN D. FIERO, and  
 34 Creditor Committee and Intervenor OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
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37 */s/ Michael L. Sturm*

38 Michael L. Sturm, an employee of  
 39 SCHWARTZ LAW, PLLC